

REMARKS

This Preliminary Amendment, filed in conjunction with a Request for Continued Examination (“RCE”), represents a full and timely response to the Final Office Action mailed February 28, 2005. A Petition to Extend Time for an Additional Month accompanies this paper. A Petition to Extend Time to Within the Second Month was filed on July 14, 2005, together with an Amendment After Final. The filing of this RCE and Amendment is permissible under 37 C.F.R. § 1.114. *See* M.P.E.P. § 706.07(h).

Entry of After Final Amendment

Entry of the After Final Amendment filed July 14, 2005 is solicited, and entry of these further amendments requested by this preliminary amendment is also requested. By the Advisory Action of July 2, 2005, it was indicated that the After Final Amendment would not be entered, and that claims 1, 4 to 7, 10 and 11 would not be placed in condition for allowance. It was there urged that Gray clearly disclosed the features noted in paragraph 11 in the Advisory Action. But Gray discloses detection and correction of an orientational change as a person is moved from a sitting to a prone position before surgery; it fails to contemplate detection and correction of a torsion-error angle during surgery, as claimed in amended claims 1 and 11, and to teach or suggest, for example, a second correction means as in claim 13 of this preliminary amendment.

Early examination of this application is respectfully requested.

Conclusion

For at least the foregoing reasons, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the examiner is respectfully requested to pass this application to issue. If the examiner has any comments or suggestions that could place this application in even better form, the examiner is invited to telephone the undersigned attorney at the below-listed number.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. WEN-0021, from which the undersigned is authorized to draw.

Dated: August 12, 2005

Respectfully submitted,

By _____

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